

**J. Kevin Oncken**  
Cooper & Scully, P.C.  
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Austin, Texas 78746  
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**Education**

Doctorate-Jurisprudence  
South Texas College of Law  
Houston, Texas  
May 1987

Bachelor of Science – Business Administration  
University of South Carolina  
May 1982

**Licensure**

Present: State Bar of Texas – May 1987

Past: United States District Court – Southern Dist. Texas - 1990  
United States Court of Appeals – Fifth Circuit – 1994  
United States District Court – Western Dist. Texas - 2002

**Practice**

Cooper & Scully, P.C. August 1<sup>st</sup> 2018 – Present  
Uzick & Oncken, P.C. July 15<sup>th</sup> 1998 – July 31<sup>st</sup> 2018

Mediator: Over 200 Complex Negligence, Products Liability,  
Premises, Professional Malpractice Disputes

Complex Civil Litigation

Medical Malpractice  
Commercial Litigation  
Products Liability

Lead Trial Counsel in over 100 Jury Trials.

**Distinctions**

America's Top 100 Attorneys - Southern Texas 2021 - Present

America's Top 100 Civil Defense Litigators: 2021 - Present

Best Lawyers in America  
Practice area: Medical Malpractice Law (Defendants)  
(2014 - Present)

**AV® Preeminent™** – LexisNexis Martindale-Hubbell Peer Rating

Texas Super Lawyer 2011 – Present

### **Certifications**

Diplomate - Medical Professional Liability  
American Board of Professional Liability Attorneys  
Certification by trial experience and written examination  
Certified and re-certified since 2000

Credentialed Mediator  
Texas Mediator Credentialing Association

### **Memberships:**

National Academy of Distinguished Neutrals

American Board of Trial Advocates (ABOTA)

Full Member – Texas Association of Mediators

American Bar Association

Austin Bar Association

### **Presentations**

Scrubbing the Defendant for Deposition, 28th Annual Advanced Medical Torts Course, Santa Fe, New Mexico, March 24, 2022.

Critical Thinking for Jury Voir Dire in the Family Law Trial, Gulf Coast Family Law Specialists, Houston, Texas, February 10<sup>th</sup> 2022.

Planning Committee Texas Bar CLE - 28th Annual Advanced Medical Torts Course, Santa Fe, New Mexico (Conference Scheduled for March 24-25, 2022).

Daubert/Robinson: Strategic Considerations and Practical Solutions Beyond The Law, 27<sup>th</sup> Annual Advanced Medical Torts Course, San Antonio, Texas March 25-26, 2021 – Webcast due to COVID

Jury Selection in the Trump Era: Discretely Identifying Personality Traits and Political Preferences; 26<sup>th</sup> Annual Advanced Medical Torts Course, El Dorado Hotel & Spa, Santa Fe, NM, March 22, 2019

Planning Committee Texas Bar CLE - 26th Annual Advanced Medical Torts Course, Santa Fe, New Mexico (Conference Scheduled for March, 2019)

The Jury Trial: What You Need to Know to be Successful (Voir Dire/Selecting the Jury); Houston Bar Association; South Texas College of Law – Houston, Texas; March 31<sup>st</sup> 2017

Medical Professionals Panel of Physicians, Nurses, and Attorneys, Exploring the OB Case and the Neonatal Case, Annual Advanced Medical Torts Course, Hyatt Hill Country Resort & Spa – San Antonio, Texas; March 9, 2017

Planning Committee Texas Bar CLE - 24th Annual Advanced Medical Torts Course, Hyatt Hill Country Resort & Spa – San Antonio, Texas (Conference Scheduled for March 9-10, 2017).

Methods of Proving Standard of Care – State Bar of Texas 23rd Annual Course - Advanced Medical Torts, Santa Fe, New Mexico, March 17th – 18th 2016.

Physician Charting – The Legal Prescription, CME Program, Christus Santa Rosa Health Care, CHRH Downtown Campus, April 27, 2011

Medical Malpractice and Other Legal Liabilities, American Epilepsy Society, Epilepsy Career Development Seminar, Westin Riverwalk Hotel, San Antonio, Texas, December 3rd 2010

Physician Charting – The Legal Prescription, CME Program, Christus Santa Rosa Health Care, CHRH New Braunfels, March 16, 2010.

Medical Malpractice Tort Reform: True Cure or Mere Placebo, University of Texas Health Science Center – San Antonio, Grand Rounds, Department of OB/GYN, January 27th 2010

Member of Planning Committee for 16th Annual State Bar of Texas Advanced Medical Malpractice Course to be held March 12-13, 2009 – La Fonda Hotel – Santa Fe, NM [Paper written by J. Kevin Oncken; Presented by Paul Gaytan of McAllen while JKO was in trial in Houston]

Preparing for Deposition – Until Death Do Us Part; CME/CNE Program, Christus Santa Rosa Health Care, City Centre, San Antonio, Video Conference, CHRH New Braunfels, December 2, 2008

Facing the Licensing Board – Never Walk this Plank Alone; Ethics CME/CNE Program, Christus Santa Rosa Health Care, City Centre, San Antonio, Video Conference, CHRH New Braunfels, October 28, 2008

Reducing Risk of Litigation and Successfully Defending Yourself in Suit; San Antonio Orthopedic Group Strategic Planning Retreat, Barton Creek Spa and Resort, Austin, Texas, March 30, 2007

Reducing Risk of Litigation – Anesthesia: The Difficult Airway, Bexar County Anesthesia Society, San Antonio, Texas, July 18, 2006

Informed Consent Under Chapter 74, N.E.OB/GYN Associates Quarterly Staff Roundtable, San Antonio, Texas, March 3, 2006

Reducing Litigation Risk: Emergency Medicine – Brief Encounter, Long Term Consequences, Alamo Area Emergency Physician CME, June 2004, Sponsored by TMLT

Reducing Litigation Risk, Metropolitan Methodist Hospital Grand Rounds, San Antonio, Texas, April 8th 2004

VBAC, The Impossible “Standard”, University of Texas Health Science Center at San Antonio, Grand Rounds – Department of Obstetrics and Gynecology, October 23, 2003

Reducing Anesthesia Litigation Risk, Southwest Anesthesia Associates CME, Dallas Texas, August 19th 2003, sponsored by TMLT

Reducing Litigation Risks, Southwest General Hospital Physician CME, San Antonio, Texas June 5th 2003

Reducing Litigation Risks – Anesthesia, Bexar County Society of Anesthesia, San Antonio, Texas, May 27 2003

VBAC - Medical/Legal Reasons to Reject Patient’s Request Despite the Standard of Care, Sponsored by Northeast OB/GYN Associates, San Antonio, Texas, May 2, 2003

Obstetrical Hemorrhage: Maternal Mortality & Morbidity, Mark D. Clore, J. Kevin Oncken, State Bar of Texas, 24th Annual Medical Malpractice Conference, San Antonio, Texas, November 7-8 2002

Reducing Litigation Risk, University of Texas Health Science Center at San Antonio, Grand Rounds – Department of Obstetrics and Gynecology, November 7 2002

Reducing Litigation Risk, University of Texas Health Science Center at San Antonio School of Dentistry, San Antonio, Texas November 4 2002

Reducing Litigation Risk – Anesthesia, CME for Tejas Anesthesia, Sponsored by TMLT, San Antonio, Texas, October 28, 2002

Reducing Litigation Risk, Christus Santa Rosa Health Care CME for Physicians, the Omni Hotel and Conference Center, San Antonio, Texas, July 31, 2002

Reducing Litigation Risk, Renal Associates, P.A., Spring 2002 Partners' Retreat, La Cantera Golf and Conference Center, San Antonio, Texas, April 6th 2002, Sponsored by Santa Rosa Health System

Congressional appearance/testimony for T.M.A. on HB 1905, Bad Faith Cause of Action for Physicians, Texas House of Representatives Committee on Civil Practice and Remedies, Austin, Texas, March 28th 2001

Speaker for T.M.A. at press conference to announce filing of legislation to provide physicians and hospitals a cause of action against plaintiff attorneys who file malpractice suits in bad faith, University of Texas - Pan American, Edinburg, Texas February 9th, 2001

Speaker for T.M.A. at press conference to announce filing of legislation to provide physicians and hospitals a cause of action against plaintiff attorneys who file malpractice suits in bad faith, State Capital Speaker's Committee Room, Austin, Texas, February 8th, 2001

Defending Breast Cancer Cases Advanced Medical Malpractice Conference Texas Tech University Law Center/ St. Mary's Law School November 2000

Defending Medical Malpractice Cases, Invited Lecture, St. Mary's Law School Professor Marilyn Eades' Med. Malpractice Course, Spring 1999

Defending Medical Malpractice Cases, Advanced Personal Injury Law Course South Texas College of Law May 1999

Voir Dire Examination, Spring Seminar for Attorneys and Liability Claims Adjusters, sponsored by Brin & Brin, P.C., 1998

Ex Parte Communications with Treating Physicians, Spring Seminar for Attorneys and Liability Claims Adjusters, sponsored by Brin & Brin, P.C., 1997.

Constitutional Considerations: First Amendment Rights of the Press vs. Sixth Amendment Rights of the Accused, University of Houston Law Center, 1991

## **Publications**

Scrubbing the Defendant for Deposition, 28th Annual Advanced Medical Torts Course, Santa Fe, New Mexico, March 24, 2022.

Daubert/Robinson: Strategic Considerations and Practical Solutions Beyond The Law, 27<sup>th</sup> Annual Advanced Medical Torts Course, San Antonio, Texas March 25-26, 2021

Jury Selection in the Trump Era: Discretely Identifying Personality Traits and Political Preferences; Annual Advanced Medical Torts Course, El Dorado Hotel & Spa, Santa Fe, NM, March 2019

16th Annual State Bar of Texas Advanced Medical Malpractice Course, Chapter 9, Medical Authorizations and Ex Parte Communications with Treating Physicians, Santa Fe NM, March 12, 2009.

Alternatives to Terminating the Non-Compliant Patient, The Pulse, American Physicians Insurance Exchange, 1st Quarter 2006

Malpractice Implications of Office Employee Errors, The Pulse, American Physicians Insurance Exchange, 3rd Quarter 2005

Illegible Medical Record Notations – Charting Troubled Waters, The Pulse, American Physicians Insurance Exchange, 2nd Quarter 2005

“The Terminator” – More than an entertaining action figure, The Pulse, American Physicians Insurance Exchange, 1st Quarter 2005

Airway Obstruction in the Obese Patient – Lost in a Jungle of Obscured Landmarks. The Pulse, American Physicians Insurance Exchange, 4th Quarter 2004

Missed Appointments - Missed follow up: Real Life Consequences, The Pulse, American Physicians Insurance Exchange, 2nd Quarter 2004

Medical Legal implications of the newly activated HIPAA regulations and Recent Texas Medical Malpractice Tort Reform, The Pulse, American Physicians Insurance Exchange, 1st Quarter 2004

Private Discussions with Defense Counsel in Light of HIPPA - A Risky Endeavor Despite Texas Statutory Authority. The Pulse, American Physicians Insurance Exchange, 2nd Quarter 2003

Malpractice Suites – It Takes Two to Tango, The Pulse, American Physicians Insurance Exchange, 4th Quarter 2002

Standard of Care –The Plaintiff Attorney’s “Angle” on this “Straight Forward” Concept, The Pulse, American Physicians Insurance Exchange, 3rd Quarter 2002

Refreshment from the Bar – Answers to Questions about Records Requests, The Pulse, American Physicians Insurance Exchange/First Professional Insurance Company, 3rd Quarter 2002

Statutory Notice Letters, “The Meaning, the Myth, and the Prudent Response.” The Pulse, American Physicians Insurance Exchange/First Professional Insurance Company, 2nd Quarter 2002

Handling Requests for Medical Records: “Careful, it may not be just another request for records”, The Pulse, American Physicians Insurance Exchange/First Professional Insurance Company, 1st Quarter 2002

Defending Breast Cancer Cases Advanced Medical Malpractice Conference Texas Tech University Law Center/ St. Mary's Law School November 2000

Defending Medical Malpractice Cases, Advanced Personal Injury Law Course South Texas College of Law May 1999

Voir Dire Examination, Spring Seminar for Attorneys and Liability Claims Adjusters, sponsored by Brin & Brin, P.C., 1998

Ex Parte Communications with Treating Physicians, Spring Seminar for Attorneys and Liability Claims Adjusters, sponsored by Brin & Brin, P.C., 1997